

### ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

The Examiner objected to the drawings for having reference characters that do not match the characters in the specification. The specification has been amended to be consistent with the drawings, making the drawing objections moot.

Further, the Examiner stated that the symbol "cu" of "cu/dB" in Fig. 3 has not been explained. The specification has been amended to clarify this point (cu = categorical units).

Claims 1-9 remain in this application. Claims 10-12 have been added without adding new matter.

Claim 9 was rejected under 35 U.S.C. §112, first paragraph, for not being consistent with the specification. Claim 9 has been amended, making the rejection moot.

Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Claims 1 and 4 have been amended, making the rejections moot.

Claims 1 and 2 were rejected under 35 U.S.C. §102(e) as being anticipated by Ishige *et al.* (U.S. 6,094,489). For the following reasons, the rejection is respectfully traversed.

Claim 1, as amended, recites a method using both weighted "loudness perception parameters of the individual" and weighted "normal loudness perception parameters" using the step of "combining the weighted loudness perception parameters of the individual with the weighted normal loudness perception parameters to define a weighted loudness parameter".

Ishige does not suggest any such combining. Instead, the Examiner cites the

reference as teaching using different compensation according to a threshold, but the reference does not suggest combining parameters as recited in the claim. Thus, claim 1 is patentable over the reference. Claims 2, 5-9 and 12, which depend on claim 1, directly or indirectly, are thus patentable over the reference for at least the same reason as claim 1.

Claim 3 has been amended to make it independent, and is patentable for at least the reasons discussed by the Examiner, as are new claims 10 and 11 which are based on the prior claim 3 limitations. Claims 4 and 7-9, which depend, directly or indirectly, on claim 3, are patentable for at least the same reasons as claim 3.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33495.

Respectfully submitted,

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